

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellant: Woessner
Serial No.: 10/501,591
Filed: April 12, 2005
Group Art Unit: 1791
Examiner: Rogers, Martin K.
Title: METHOD OF FORMING A HOSE

Mail Stop Appeal Brief- Patents
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

REPLY BRIEF

This is in response to the Examiner's Answer mailed August 31, 2010. The Examiner's Answer presents several arguments that require a brief response.

ARGUMENTS

35 USC 112, first paragraph, rejection of claims 30, 31 and 33.

Regarding claim 30, the Examiner states that the recitation that the forming tube is constructed from a single piece is not supported by Figure 1 as the Figures are merely exemplary of the invention. MPEP 608.04(a) states that “[m]atter not in the original specification, claims, or drawings is usually new matter.” If the drawing contains the necessary disclosure, it cannot be new matter and can form the basis of a valid claim. *In re Adolph Wolfensperger*, 49 C.C.P.A. 1075, 302 F.2d 950 (CCPA 1962). Figure 1 clearly supports this recitation, and the rejection is improper.

Regarding claim 31, the Examiner states that the specification does not support the recitation that there is “no support structure.” The specification states that “the pressure on the inside and the outside of the hose 12 is equalized, preventing the hose 12 from collapsing during curing” (page 3,

lines 15 to 17), and that a hollow plug 32 allows venting, preventing the hose 12 from collapsing during curing (page 5, lines 13 to 15). These steps would only need to be employed if there was a lack of a support structure. The Examiner states that there is nothing in the specification that states that support structure are excluded. However, nothing in the specification discloses the existence of a support structure either. Figures 1 and 2 also show no support structure. The claimed invention is supported.

Regarding claim 33, the figures clearly shows that the inner surface of the hose is substantially smooth. MPEP 608.04(a) states that “[m]atter not in the original specification, claims, or drawings is usually new matter.” If the drawing contains the necessary disclosure, it cannot be new matter and can form the basis of a valid claim. *In re Adolph Wolfensperger*, 49 C.C.P.A. 1075, 302 F.2d 950 (CCPA 1962). The figure are not “merely representative” of the invention as the drawings contain the necessary disclosure.

Obviousness of Claims 1, 13, 26, 30 and 33-36 based on Roberts et al. in view of Roberts et al. and Sadr

The Examiner states that Appellant is only referencing only a single embodiment of Roberts '622 as Roberts '622 also discloses “a cylindrical tube” embodiment. However, Appellant addressed the “cylindrical tube” embodiment of Roberts '622 in the Appeal Brief. As previously stated, in the cylindrical tube embodiment, the inner bore 19a of the mold 24 is slighter larger than the outer diameter of the hose 24, eliminating the need to a vacuum for insertion of the hose 24 as the mold 24 is already designed for easy insertion of the hose 24.

The Examiner also argues that it would be obvious to employ a second end plug in Roberts et al. '622. There is no need for a second end plug as the structure of the other end of the body 14 of Roberts et al. '622 is not disclosed. That is, the other end of the body 14 could be attached to a continuous roll of body material (such as, for example, the structure of Voss et al.), which would eliminate the need for a second end plug. The Examiner states that Roberts '622 discloses that the

hose if formed on a mandrel (column 1, lines 41 to 42). However, this does not imply that the hose is pre-cut prior to formation and in need of a second end cap.

Regarding Appellant's arguments about finishing the ends of the hose with endcaps, the Examiner states that the Appellant is arguing the references individually. However, if neither reference discloses a claimed feature, the combination cannot teach the claimed feature. Roberts et al. '622 does not disclose two end caps and therefore does not disclose finishing ends of a hose with endcaps during curing. Roberts et al. '840 discloses that the hose, including its ends, is cured and finished (therefore curing the ends of the hose) in the steam chamber S. Neither reference discloses this feature, and therefore the combination does not suggest the invention.

Regarding claim 35, the Examiner states that the Appellant is arguing that the limitation of "a material of the hose defines an outermost layer of the hose" precludes a hose with a covering. In Roberts et al. '622, the wrapping 17 that covers the body 14 does not function as a hose. In Roberts '840, the elastomeric jacket 12 that covers the inner layer 10 of the hose does not function as a hose. Neither reference discloses this feature, and the claimed invention is not obvious in view of these references.

CONCLUSION

For the reasons set forth above, the rejection of all claims is improper and should be reversed. Appellant respectfully requests such an action.

Respectfully Submitted,

CARLSON, GASKEY & OLDS, P.C.

/Karin H. Butchko/

Karin H. Butchko
Registration No. 45,864
Attorney for Appellant
400 West Maple Road, Suite 350
Birmingham, Michigan 48009
(248) 988-8360

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